IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

MFA.No. 218 of 2001

OPMV.778/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, NEYYATTINKARA
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APPELLANT: CLAIMANT

K. SREEKUMAR S/o KRISHNA PILLAI, PADMAVILASAM
POOVAR P.O., THIRUPURAM VILLAGE

BY ADV. SRI.P.C.HARIDAS

RESPONDENTS: RESPONDENTS
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1. NANOO NADAR, S/o PAPPU NADAR,
   RATNA VILASOM, THIRUMANGALAM, NEYYATTINKARA
2. SREEKUMAR ALIAS MANIKANTAN,
   MAVILAMKUZHIMELA PUTHEN VEEDU, KULATHUMMAL
   PARAKOTTUKONAM, CHELKOTTUKONAM P.O
   NEYYATTINKARA
3. THE DIVISIONAL MANAGER, UNITED INDIA
   INSURANCE COMPANY LIMITED, THIRUVANANTHAPURAM

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 10/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.F.A. No 218 of 2001

Dated: 10th October 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. Accident is not disputed; so also the insurance coverage. The only question to be considered is whether the amount of compensation awarded is just and proper.

2. Claimant was U.D. Clerk in the Government Hospital, Poovar. He sustained injuries in a motor accident and had undergone treatment in the Medical College Hospital. He was admitted to the hospital on 18.3.1995 and was discharged on 30.4.1995. Ext. A66 is the disability certificate issued by Dr Sundara Raj wherein it was stated that the claimant had fracture shaft of femur left side, lacerated injury right hand and head injury. Doctor opined that the claimant had permanent disability of 11%. Tribunal took it as 10% for permanent disability and an amount of Rs 14,400/- was awarded for permanent disability. We are of the view, the amount awarded is just and proper. Further a sum of Rs 20,000/- was claimed towards loss of earning from 18.3.1995 to 26.6.1995 and the Tribunal awarded a sum of

Rs 17,471/- on that count. Against the claim of Rs 3,000/- towards transport to hospital, a sum of Rs 1,500/- was awarded. For extra nourishment a sum of Rs 1,000/- was awarded. Reasonable amount was awarded for damage to clothing, medical expenses and bystander's expenses. Towards pain and suffering a sum of Rs 7,000/- was awarded. Further it is also noticed that a sum of Rs 14,400/- was awarded towards loss of earning and that he had retired from service. In the above circumstances we are of the view that just and proper amount was awarded under all heads. The appeal lacks merits and the same is dismissed.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

10/10/2007
en/

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